

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CONCERNED CITIZENS OF
ASSUMPTION PARISH, ET AL.

CIVIL ACTION

VERSUS

NO: 11-2545

TEMPLE, ET AL.

SECTION: "J"(1)

ORDER

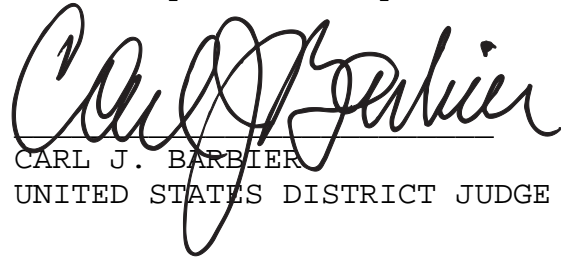
Before the Court is Defendant Merdith W.B. Temple's Motion to Dismiss (Rec. Doc. 10) and Plaintiffs' opposition to same (Rec. Doc. 14). Defendant Temple argues that all claims against him should be dismissed for lack of subject matter jurisdiction and failure to state a claim because an agency official such as Temple is not a proper defendant in a Freedom of Information Act case like the instant one. Plaintiffs argue that the motion should be denied as moot because they have amended their complaint to dismiss Temple as a defendant.

The Court has reviewed the first amended complaint (Rec. Doc. 13) and finds that it does not bring any claims against Temple. Therefore, the motion to dismiss is moot. However, the docket will be changed to reflect that Temple is no longer a defendant in this case. Accordingly,

IT IS ORDERED that Temple's motion to dismiss (Rec. Doc. 10) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Merdith W.B. Temple be removed from the docket as a defendant in this matter.

New Orleans, Louisiana this the 9th day of January, 2012.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE